

**EXHIBIT A**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MASHAYILA SAYERS, BRITTNEY TINKER,  
JENNIFER MONACHINO, KIMBERLY  
MULLINS, HILDA MICHELLE MURPHREE,  
and AMANDA JIMENEZ, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

ARTSANA USA, INC.,

Defendant.

Case No. 7:21-cv-07933-VB

Hon. Vincent L. Briccetti

**[PROPOSED] SCHEDULING ORDER STAYING INTERIM DEADLINES  
AND DATES OF FAIRNESS HEARING AND RELATED BRIEFING SCHEDULE**

Plaintiffs Mashayila Sayers, Brittney Tinker, Jennifer Monachino, Kimberly Mullins, Hilda Michelle Murphree, and Amanda Jimenez, and Defendant Artsana U.S.A., Inc. (collectively, the “Parties”) state as follows:

**WHEREAS**, on November 8, 2023, the Court held a hearing on the Motion for Final Approval of the Class Action Settlement (ECF No. 56 (the “Final Approval Motion”)) and deferred consideration of that Motion as well as Plaintiffs’ Motion for Attorneys’ Fees, Costs, Expenses and Incentive Awards (ECF No. 61 (the “Attorneys’ Fees Motion”)) until a later date (*see* ECF No. 98).

**WHEREAS**, on November 27, 2023, the Court issued an Order regarding the Close of the Claims Period and dates by which the Angeion Group, LLC (“Angeion” or the “Claims Administrator”) would provide counsel with relevant data in a spreadsheet format concerning submitted claims. (ECF No. 101).

**WHEREAS**, on December 8, 2023, the Court issued an Order denying the Final Approval Motion and Attorneys’ Fees Motion, and set dates for renewal of the prior motions as well as dates for opposition and replies. (ECF. No. 102).

**WHEREAS**, on February 1, 2024, Angeion submitted a Declaration (ECF No. 106) providing the Court with an update on the progress of the claims validation process indicating it was unable to meet the January 31, 2024 deadline set forth in the Court’s November 27, 2023 Order and estimating that such process could be completed by March 1, 2024.

**WHEREAS**, on February 7, 2024, the Court granted Angeion an extension of time and Ordered Angeion to provide all counsel with the relevant claims data by March 1, 2024. (ECF No. 107).

**WHEREAS**, Angeion did not meet the March 1, 2024 deadline, but provided counsel with initial claims data on March 8, 2024, and with certain additional claims data on March 12, 2024.

**WHEREAS**, on March 21, 2024 the Court entered a scheduling Order setting forth deadlines for the filing of Angeion's final affidavit regarding the status of the claims process, the deficiency and rejection-letter-and-appeal process, and the briefing relating to Plaintiffs' renewed Final Approval Motion and Attorneys' Fees Motion. (ECF No. 109).

**WHEREAS**, on May 8, 2024, and again on July 9, 2024, the Court entered a scheduling Order extending the deadlines for the filing of Angeion's final affidavit regarding the status of the claims process, the deficiency and rejection-letter-and-appeal process, and the briefing relating to Plaintiffs' renewed Final Approval Motion and Attorneys' Fees Motion. (ECF Nos. 112, 115).

**WHEREAS**, the Court has ordered that any objection/contest process, rejection-letter-and-appeal process, or deficiency process take place before the date of the continued Fairness Hearing. (ECF No. 102).

**WHEREAS**, Angeion has implemented the deficiency and rejection-letter-and-appeal processes agreed to by the Parties as set forth in the Declaration of Jenny Shawver, filed August 30, 2024 (ECF No. 116);

**WHEREAS**, the Parties have advised the Court that they are continuing to confer regarding disputes with respect to the Settlement Administrator's determinations regarding claims approved through the deficiency and appeal processes;

**WHEREAS**, the Parties have advised the Court that due to their omission from the class list provided by Defendant to the Settlement Administrator, certain individuals for whom

evidence of Eligible Product purchases existed in Defendant's records were not included in the direct notice process provided under the Settlement as approved by the Court;

**WHEREAS**, the Parties have advised the Court that Defendant is working to ascertain the number of individuals omitted from such class list and that the Parties are conferring regarding a potential process to send direct notice to such individuals and to provide them with an opportunity to file a claim.

**WHEREAS**, the current schedule will not allow sufficient time to implement a limited direct notice and claim process for the class members omitted from the class list prior to the Fairness Hearing currently scheduled for October 17, 2024 (ECF No. 115).

**WHEREAS**, given the omission of certain individuals from the class list and therefore from the direct notice program, and the Parties' efforts to resolve their disputes with respect to the Settlement Administrator's claims determinations resulting from the deficiency and rejection-letter-and-appeal process, the Parties agree an extension of the deadlines set forth in the Court's July 9, 2024 Order (ECF No. 115) and an adjournment of the Fairness Hearing date is necessary and desirable to give the Parties and the Settlement Administrator time to implement a limited direct notice and claim process for class members omitted from the class list, and additional time to resolve disputes arising from the deficiency and appeal processes.

**WHEREAS**, the Parties agree a brief stay of the deadlines set forth in the Court's July 9, 2024 Order (ECF No. 115), is necessary and desirable to give the Parties time to determine the number of individuals excluded from the class list, to negotiate a limited notice and claim process for such individuals, and to propose an appropriate schedule for implementation of such process and for briefing relating to Plaintiffs' renewed Final Approval Motion and Attorneys' Fees Motion.

**WHEREAS**, the Parties stipulate, agree, and request that the schedule be modified as follows.<sup>1</sup>

**IT IS HEREBY STIPULATED AND AGREED** by the Parties, subject to the Court's approval, that—

1. The deadlines set forth in the Court's July 9, 2024 scheduling Order regarding the briefing relating to Plaintiffs' renewed Final Approval Motion and Attorneys' Fees Motion (ECF No. 115, ¶¶ 7-9) are stayed and the date of the Fairness Hearing (ECF No. 115, ¶ 10) is adjourned; and

2. By no later than September 18, 2024, after conferring in good faith regarding a limited direct notice and claim process for class members who should have received direct notice as provided under the Settlement, the Parties shall provide the Court with a status update and/or a new proposed scheduling order for the Court's review.

Dated: \_\_\_\_\_, 2024

**SO ORDERED:**

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**Hon. Vincent L Briccetti**  
**United States District Court Judge**

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<sup>1</sup> All capitalized terms in this stipulation that are not otherwise defined have the same meaning as in the Settlement Agreement.